

**NATURAL RESOURCES DEPARTMENT[561]**

**Adopted and Filed**

**Rule making related to description of organization**

The Department of Natural Resources hereby rescinds Chapter 1, “Description of Organization,” Iowa Administrative Code, and adopts a new Chapter 1 with the same title.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code sections 17A.3(1)“a” and 455A.4(1)“i.”

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 17A.3(1)“a” and 455A.4(1)“i.”

*Purpose and Summary*

Iowa Code section 17A.3(1)“a” requires that each agency shall, in addition to other requirements imposed by Constitution or statute, “[a]dopt as a rule a description of the organization of the agency which states the general course and method of its operations, the administrative subdivisions of the agency and the programs implemented by each of them, a statement of the mission of the agency, and the methods by which and location where the public may obtain information or make submissions or requests.”

The amendment revises and makes current the Department’s organization description, as required by Iowa Code section 17A.3(1)“a,” as the agency’s management structure has changed since Chapter 1 was last updated.

The amendment rescinds the current Chapter 1 and replaces it in its entirety.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on November 22, 2017, as **ARC 3458C**. A public hearing was held on December 12, 2017, at 11 a.m. in Conference Room 4E, Wallace State Office Building, Des Moines, Iowa. No one attended the public hearing. No public comments were received.

One change from the Notice of Intended Action was made. 2018 Iowa Acts, House File 2303, which was adopted by the General Assembly and signed by the Governor on March 21, 2018, amends Iowa Code section 456.2, effective July 1, 2018, to move the State Geologist position from the Department to the Board of Regents. Therefore, the reference to the State Geologist has been removed from Chapter 1.

*Adoption of Rule Making*

This rule making was adopted by the Department on April 19, 2018.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

### *Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 561—Chapter 10.

### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

### *Effective Date*

This rule making will become effective on June 13, 2018.

The following rule-making action is adopted:

Rescind 561—Chapter 1 and adopt the following **new** chapter in lieu thereof:

## CHAPTER 1 DESCRIPTION OF ORGANIZATION

**561—1.1(17A,455A) Authority and purpose.** The department was created by Iowa Code section 455A.2. The department has the primary responsibility for state parks and forests, protecting the environment, and managing fish, wildlife, and land and water resources in this state.

**561—1.2(17A,455A) Mission.** The mission of the department is to conserve and enhance Iowa's natural resources in cooperation with individuals and organizations to improve the quality of life in Iowa and ensure a legacy for future generations.

### **561—1.3(17A,455A) Organization.**

**1.3(1) Director and deputy director.** The director is the chief administrative officer of the department. The director shall appoint a deputy director, who shall be in charge of the department in the absence of the director. The deputy director also may carry out other duties as assigned by the director. The director has rule-making authority for the general operation of the department, and the rules relating to this subject are found under agency number 561 of the Iowa Administrative Code.

**1.3(2) Natural resource commission.** The natural resource commission, created by Iowa Code section 455A.5, consists of seven members appointed by the governor. The natural resource commission is responsible to establish policy and adopt rules for the programs specified in Iowa Code section 455A.5(6) "a"; hear appeals in contested cases for the programs specified in Iowa Code section 455A.5(6) "b"; approve or disapprove proposals submitted by the director for the acquisition or disposal of state lands and waters relating to state parks, recreational facilities, and wildlife programs; approve the budget request prepared by the director for the programs specified in Iowa Code section 455A.5(6) "d"; adopt, by rule, a schedule of fees for permits and for the administration of permits; and approve or disapprove proposals involving lake dredging or renovation, and the acquisition, development, and maintenance of boating facilities and recreational facilities associated with recreational boating. The substantive rules of the natural resource commission are found under agency number 571 of the Iowa Administrative Code.

**1.3(3) Environmental protection commission.** The environmental protection commission, created by Iowa Code section 455A.6, consists of nine members appointed by the governor. The environmental protection commission is responsible to establish policy and adopt rules for the programs specified in Iowa Code section 455A.6(6) "a"; hear appeals in contested cases for the programs specified in Iowa Code section 455A.6(6) "b"; approve or disapprove the issuance of hazardous waste disposal site licenses

under Iowa Code chapter 455B; and approve the budget request prepared by the director for the programs specified in Iowa Code section 455A.6(6) “d.” The substantive rules of the environmental protection commission are found under agency number 567 of the Iowa Administrative Code.

**1.3(4) *State advisory board for preserves.*** The state advisory board for preserves, created by Iowa Code section 465C.2, consists of seven members, six of whom are appointed by the governor. The director shall serve as a member of the board. The state advisory board for preserves approves land or water areas for dedication as preserves, makes rules, and performs advisory functions related to the establishment and maintenance of preserves. The substantive rules of the state advisory board for preserves are found under agency number 575 of the Iowa Administrative Code.

**1.3(5) *Divisions and bureaus.*** Pursuant to Iowa Code section 455A.7, the director may establish administrative divisions, bureaus, or other administrative entities to most effectively and efficiently carry out the department’s responsibilities.

*a. Conservation and recreation division.* The director has established the conservation and recreation division, which includes the state forester, implements the resource enhancement and protection program and consists of the following bureaus:

(1) Fisheries bureau. The fisheries bureau is responsible for managing fish, turtle, and aquatic organism populations in public waters; providing technical advice and assistance regarding diseases and aquatic invasive species avoidance and mitigation in both public and private waters; collecting creel statistics; fish hatching and stocking; conducting research studies for the purpose of setting fishing seasons and for scientific knowledge; providing fishing information to the general public and conducting other outreach education programs; and developing fishing areas and angler accesses.

(2) Land and waters bureau. The land and waters bureau is responsible for engineering and realty services for the department’s facility and public lands and waters projects. Services include professional engineering and architectural design, surveying, construction contract administration, consultant contract management, property appraisal, land acquisition negotiation and closing, conservation easement administration, land management leases and agreements, environmental review, sovereign land construction permits, and threatened and endangered species oversight. The bureau also oversees the department’s river programs, which include water trail development and low-head dam mitigation projects.

(3) Law enforcement bureau. The law enforcement bureau is responsible for enforcing Iowa’s natural resource conservation and outdoor recreation laws. Other activities include assisting in wildlife and fisheries scientific surveys; providing hunter, boating, and all-terrain vehicle/snowmobile safety training and other outreach education programs; and supervising Iowa’s private shooting preserves.

(4) Parks bureau. The parks bureau manages Iowa’s state parks, recreation areas, and state forests. The bureau operates and maintains park, recreation area, and state forest infrastructure and facilities, such as multiuse trails, beaches, campgrounds, picnic areas, lodges, shelters, and cabins; protects and manages the natural resources inside such areas, including wildlife, wildlife habitat, and woodlands and timber stands; monitors concession operators; provides naturalist activities and other outreach education programs; and enforces Iowa’s natural resource conservation and outdoor recreation laws.

(5) Wildlife bureau. The wildlife bureau is responsible for managing Iowa’s wildlife held in trust for the public; maintaining and enhancing wildlife habitat on public lands and waters; advising the public on wildlife habitat development and improvement on private lands, including the development and protection of woodlands and timber stands on private lands; and conducting research for the purpose of setting hunting and trapping seasons and to ensure biological balance of all of Iowa’s wildlife.

*b. Environmental services division.* The director has established the environmental services division, which consists of the following bureaus:

(1) Air quality bureau. The air quality bureau is responsible for air pollution control, including air quality new source review permitting, operating permitting, emissions inventory, air quality monitoring and assessment, and air quality improvement.

(2) Land quality bureau. The land quality bureau is responsible for providing technical assistance and oversight for management of solid waste, remediation of contaminated sites, cleanup of underground

storage tanks, flood plain management, dam safety, coordination of geographic information systems, and development of sustainable environmental practices through financial and professional assistance.

(3) **Water quality bureau.** The water quality bureau is responsible for national pollutant discharge elimination system permitting, wastewater engineering, water supply engineering and operations, water quality monitoring and assessment, and watershed improvement.

(4) **Field services bureau.** The field services bureau conducts investigations of facilities or activities regulated by the environmental services division, including air quality, land quality, water quality, and animal feeding operations, on its own initiative or in response to citizen complaints; monitors compliance with the statutes and rules administered by the division; and provides technical and compliance assistance.

**561—1.4(17A,455A) Location of offices.**

**1.4(1) Director's office and central offices.** The director's office and the central offices are located in the Wallace State Office Building, 502 East Ninth Street, Des Moines, Iowa 50319-0034. The reception area is located on the fourth floor of the Wallace State Office Building. The main customer service telephone number is (515)725-8200.

**1.4(2) Conservation and recreation division offices.**

*a. Fisheries bureau offices.* The fisheries bureau offices are located in the central offices and in district offices located throughout the state. The locations of the district offices may be found on the department's website.

*b. Land and waters bureau offices.* The land and waters bureau offices are located in the central offices.

*c. Law enforcement bureau offices.* The law enforcement bureau offices are located in the central offices and in district offices located throughout the state. The locations of the district offices may be found on the department's website.

*d. Parks bureau offices.* The parks bureau offices are located in the central offices and in parks and state forests throughout the state. The locations of the state parks, state recreation areas, and state forests may be found on the department's website.

*e. Wildlife bureau offices.* The wildlife bureau offices are located in the central offices and in district offices located throughout the state. The locations of the district offices may be found on the department's website.

**1.4(3) Environmental services division offices.** The air quality, land quality and water quality bureaus are located in the central offices. The addresses and telephone numbers of the field services bureau may be found on the department's website.

**561—1.5(17A,455A) Business hours.** The normal business hours of the department are 8 a.m. to 4:30 p.m., Monday to Friday, except holidays.

**561—1.6(17A,455A) Department Internet website.** The department's Internet home page is located at [www.iowadnr.gov](http://www.iowadnr.gov).

These rules are intended to implement Iowa Code section 17A.3(1)“a” and chapter 455A.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/9/18.